

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD HOWLIET,

Defendant.

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CRIMINAL NO. 04-30139-WDS

MEMORANDUM & ORDER

STIEHL, District Judge:

Before the Court is defendant's Gerald Howliet's second motion to suppress all evidence (Doc. 586) to which the government has filed a response (Doc. 589).¹ The Court held an evidentiary hearing on the matter and took it under advisement. At the hearing the parties agreed to rest on the merits of their motions without presenting any additional evidence.

In his motion, the defendant asserts that the evidence presented at the earlier suppression hearings in this case, held January 20, 2006, and February 15, 2006, was gathered as the result of illegal acts and actions. He claims that the reports, facts and other evidence adduced at the hearing show that the evidence seized against him was the result of illegal searches and seizures, entrapment, and violated his rights under the Fourth, Sixth and Eighth Amendments.

This motion, is in essence, a motion for reconsideration of the Court's Order of April 4, 2006, which denied the defendant's prior motion to suppress on all grounds. The Court has carefully reviewed the record, including the prior motion filed by the defendant and the evidence introduced at the hearings on that motion, and **FINDS** that there is no basis for reconsidering its

¹The defendant's first motion (Doc. 465) was denied by the Court on April 4, 2006 (Doc. 514).

prior ruling that the search warrant was based on probable cause, and that there was nothing in the record to warrant a hearing under *Franks v. Delaware*, 438 U.S. 154, 171 (1978). The Court **FURTHER FINDS** that there is no reason given for this Court to reconsider its ruling denying defendant's motion to dismiss based on illegal arrest. The Court found that the defendant was not illegally detained, and that, moreover, there was an outstanding state warrant for his arrest, all of which gave the officers the probable cause for a limited detention of the defendant at the East St. Louis Police Station.

Accordingly, the Court **DENIES** defendant's second motion to suppress on all grounds raised.

IT IS SO ORDERED.

DATED: January 17, 2007.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE